

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2016-0013**

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE, ON BEHALF OF CALEPA AND ALL OTHER AGENCY BOARDS, DEPARTMENTS, AND OFFICE, TO ENTER INTO A CONTRACT WITH THE REGENTS OF UC BERKELEY FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW AND CURRICULUM REVIEW SERVICES

WHEREAS:

1. State law (Health and Safety Code Section 57004, 115365, et al.) sets minimum requirements for external scientific peer review. Notably, Health and Safety Code Section 57004 requires all California Environmental Protection Agency (CalEPA) boards, departments, or office to submit for external scientific peer review the “scientific basis” and “scientific portions” of proposed rules, consistent with the statutory definition of these two terms. For rules subject to this requirement, the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, must be submitted for peer review. The law further specifies that the agency, or a board, department, or office within the agency, must enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning to conduct external scientific peer review of the scientific basis for any rule proposed.
2. In addition to the work products for which external scientific peer review is statutorily required (as noted above), CalEPA may seek peer review of the scientific/economic basis and scientific/economic portions of other work products—for example, major and/or controversial new initiatives that are not otherwise subject to statutory peer review requirements—as it deems prudent;
3. The State Water Resources Control Board (State Water Board) previously contracted mandated external expert peer review services with the Regents of UC Berkeley and have determined that UC Berkeley remains the best resource for these services;
4. The proposed FY 2016-21 Interagency Agreement with the Regents of the University of California, and future amendments will continue to ensure that mandated scientific peer review and other types of reviews will be performed by qualified reviewers in a manner consistent with State law.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

Authorizes the Executive Director or designee to enter into new and amended interagency agreements and contracts with the Regents of the University of California, Berkeley using up to \$1,325,000 in Water Boards’ funds. In addition to the \$1,325,000 authorized for the Water Boards, the Executive Director or designee is authorized to include CalEPA, Air Resources Board, Department of Toxic Substances Control, Department of Pesticide Regulation, Department of Resources Recycling and Recovery (CalRecycle), and Office of Health Hazard

Assessment funding in the amount of up to \$2,175,000 for a total contract amount of up to \$3,500,000 to contract for peer review services currently and in future years. This authorization is for a 5-year period beginning with the adoption of this resolution.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 15, 2016.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board